

REMARKS/ARGUMENTS

1. Claims 14-29 and 105-117 were pending. No claims have been amended. No claims have been canceled, and no new claims have been added. Thus, claims 14-29 and 105-117 remain pending. Applicants respectfully request reconsideration of the claims in view of the following comments.

2. The Examiner rejected claims 14, 17-26, 105, and 108-117 as being unpatentable over Sistanizadeh alone or in combination with Kwok, but indicated that claims 15, 16, 27-29, 106, and 107 contain allowable subject matter.

Independent claims 14, 25, and 105 require, among other things, independently operating upstream and downstream controllers. The Examiner rejected independent claims 14, 25, and 105 under 35 U.S.C. 103(a) as being obvious in view of Sistanizadeh alone, arguing that, although Sistanizadeh does not include separate downstream and upstream controllers, it would have been obvious to have separate controllers because Sistanizadeh's controller performs both the upstream and the downstream functions. The Examiner has apparently overlooked or discounted the fact that the claims do not merely require separate upstream and downstream controllers, but instead require separate "independently operating" upstream and downstream controllers. As discussed in the subject patent application (e.g., on page 7, line 25 through page 8, line 10), modularity of components and independent upstream and downstream controllers provide for such things as independently scaling the upstream and downstream channels at the network, link and physical layers; adding bandwidth independently on the upstream and downstream paths; matching equipment of a given capacity with desired traffic loads independently in each direction; establishing independent control of the asymmetric upstream and downstream paths, and allowing each controller to be independently serviced or upgraded without affecting the operations of the other. In at least these respects, Sistanizadeh's single controller cannot substitute for the independently operating upstream and downstream controllers called out in the claims, and there is nothing in Sistanizadeh to suggest the use of independent upstream and downstream controllers.

Furthermore, the claims require a configuration manager that utilizes the independently operating upstream and downstream controllers to assign, and confirm assignment of, IP addresses for remote processor devices. Within the context of the subject patent application, the configuration manager actually controls configuration of the remote processor devices (see page 6, lines 28-30). The Examiner points to column 10, lines 1-6 of Sistanizadeh as teaching assignment of an IP address by a configuration manager. In actuality, the passage cited by the Examiner relates to DHCP servers, which are known to dynamically assign IP addresses in TCP/IP systems. The DHCP server is not a configuration manager within the context of the subject patent application because it does not control configuration of the remote processor devices and in fact performs no management function at all. Rather, the DHCP server is merely a server that is in communication with the remote processor devices over the asymmetric communication system. The DHCP server does not control configuration of the remote processor devices but rather responds to DHCP requests made by the remote processor devices using known networking protocols (see, for example, Sistanizadeh, column 9, lines 46-67). In this respect, the DHCP server corresponds to the “server” referred to in the preambles of claims 14, 25, and 105 rather than to the configuration manager referred to in the bodies of the claims (i.e., each of these claims relates to a “system for effecting [asymmetric] communications between a server and a plurality of remote processor devices” utilizing independently operating upstream and downstream controllers managed by a configuration manager).

Because Sistanizadeh neither teaches nor suggests the use of independently operating upstream and downstream controllers, as required by the claims, Applicants respectfully submit that independent claims 14, 25, and 105 are allowable over Sistanizadeh. Because a dependent claim is deemed to include all limitations of its base claim and any intervening claims, Applicants respectfully submit that dependent claims 15-24, 26-29 and 106-117 are also allowable over Sistanizadeh and Kwok.

3. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicants respectfully request early allowance of the application. The Applicants request that the

Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

4. The Applicants do not believe any extension of time is required for timely consideration of this response (Applicants note that the United States Patent and Trademark Office was closed on Friday, November 10, 2006 for celebration of Veteran's Day). In the event that an extension has been overlooked, this conditional petition of extension is hereby submitted, and Applicants request that deposit account number 19-4972 be charged for any fees that may be required for the timely consideration of this application.

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Respectfully submitted,



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